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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/579,331	05/25/2000	Roger V. Beathard	062891.0406	7232

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EXAMINER

KNOWLIN, THJUAN P

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

**Application No.**

09/579,331

**Applicant(s)**

BEATHARD ET AL.

**Examiner**

Thjuan P Knowlin

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4,6-16,18-46 and 48-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-16,18-46 and 48-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                                       | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>07/20/04 and 08/11/04</u> . | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Response to Arguments***

1. In view of the Appeal Brief filed on 10/05/04, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.
2. To avoid abandonment of the application, appellant must exercise one of the following two options:
  - (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
  - (2) request reinstatement of the appeal.
3. If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6-16, 18-46, and 48-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shenoda et al (US 6,389,130), in view of Mashinsky (US 6,144,727).

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5. In regards to claims 1, 12, 13, 25, 33, 34, 38, 39, 40, 43, and 44, Shenoda discloses a method and call manager for call routing, comprising: receiving a call request at a first call manager (multi-purpose switch 620) from a first telephony device (telephone 600) coupled to a packet-based network (ATM network 640), the call request including a telephone number associated with a second telephony device (telephone 670); and communicating the call request to a second call manager (multi-purpose switch 650) controlling the gateway device (col. 10 lines 11-28 and col. 10 lines 52-58). Shenoda, however, does not disclose accessing a route list associated with the telephone number to determine a port of a gateway device operable to transmit the call request to the second telephony device, wherein the route list comprises one or more route groups, each route group including a list of one or more ports of one or more gateway devices. Mashinsky, however, does disclose accessing a route list associated with the telephone number to determine a port of a gateway device (international gateway switch 22, international gateway switch 24, international gateway switch 26, and international gateway switch 28) operable to transmit the call request to the second telephony device (called telephone 4), wherein the route list comprises one or more route groups, each route group including a list of one or more ports of one or more gateway devices (Fig. 1A, Fig. 13, col. 21 lines 50-65, col. 22 lines 56-66, and col. 25-26 lines 66-5). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention, to use route lists comprising route groups, wherein each route group includes a list of one or more ports of one or more gateway devices, as a way of allowing a call placed from a telephony device controlled by one call manager to

be routed using the route plan to a gateway device controlled by a different call manager. This process allows more flexibility in organizing and maintaining a packet-based network having multiple call managers.

6. In regards to claims 2 and 14, Shenoda discloses the method and call manager, wherein: the packet-based network comprises an Internet Protocol (IP) network (Internet backbone 200); the first telephony device comprises an IP telephony device (telephone 226); and the second telephony device comprises a non-IP telephony device (telephone 252) (Fig. 2 and col. 4 lines 26-52).

7. Shenoda discloses all of claims 3, 4, 11, 15, 16, 19, 27, 28, 29, 30, 31, 32, 35, 36, 45, and 46 limitations, except the method and call manager, further comprising: accessing a registration information table to determine a process identification of a route list control process executed by the first call manager and associated with the telephone number; and communicating the call request to the route list control process using the identification, the route list control process operable to access the route list. Mashinsky, however, discloses the method and call manager, further comprising: accessing a registration information table to determine a process identification of a route list control process executed by the first call manager (originating toll switch 14) and associated with the telephone number; and communicating the call request to the route list control process using the identification, the route list control process operable to access the route list (col. 20-21 lines 61-19).

8. Shenoda discloses all of claims 6, 7, 18, 23, 24, 37, 42, and 48 limitations, except, the method and call manager, further comprising: communicating the device

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name of the gateway device to a device manager executed by the first call manager; and accessing a device name mapping table using the device manager to determine a identification of a first device process executed by the second call manager and controlling the gateway device. Mashinsky, however, discloses the method and call manager, further comprising: communicating the device name of the gateway device to a device manager executed by the first call manager; and accessing a device name mapping table using the device manager to determine a identification of a first device process executed by the second call manager (terminating toll switch 18) and controlling the gateway device (col. 21 lines 50-65, col. 22 lines 56-66, and col. 25-26 lines 66-5).

9. Shenoda discloses all of claims 8, 9, 20, and 49 limitations, except the method and call manager, further comprising: communicating the call request and the port number from the first device process to the gateway device; receiving a call proceed signal from the gateway device indicating acceptance of the call request; and communicating the call proceed signal from the second call manager to the first call manager. Mashinsky, however, discloses the method and call manager, further comprising: communicating the call request and the port number from the first device process to the gateway device; receiving a call proceed signal from the gateway device indicating acceptance of the call request; and communicating the call proceed signal from the second call manager to the first call manager (Fig. 1A, Fig. 13, col. 21 lines 50-65, col. 22 lines 56-66, and col. 25-26 lines 66-5).

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10. Shenoda discloses all of claims 10, 21, 22, 26, 41, 50, and 51 limitations, except the method and call manager, further comprising: communicating the call request and the port number from the first device process to the gateway device; receiving a call denial signal from the gateway device indicating a denial of the call request; and communicating the call denial signal from the second call manager to the first call manager. Mashinsky, however, discloses the method and call manager, further comprising: communicating the call request and the port number from the first device process to the gateway device; receiving a call denial signal from the gateway device indicating a denial of the call request; and communicating the call denial signal from the second call manager to the first call manager (col. 21 lines 20-29 and col. 25 lines 47-49).

### ***Response to Arguments***

11. Applicant's arguments with respect to claims 1-4, 6-16, 18-46, and 48-51 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Scott et al (US 6,760,324) teach a method, system, and computer program product for providing voice over the Internet communication. Krishnaswamy et al (US 5,867,494) teach a system, method, and article of manufacture with integrated video conferencing billing in a communication system architecture.


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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P Knowlin whose telephone number is (703) 308-1727. The examiner can normally be reached on Mon-Fri 8:00-4:30pm.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703)305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thjuan P. Knowlin

  
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